

EXHIBIT 25

To

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

In

Western Watersheds Project, et al. v. U.S. Dept. of the Interior, et al.

Case No.: 3:21-cv-0103-MMD-CLB

Declaration of Talasi B. Brooks

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UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

WESTERN WATERSHEDS PROJECT;)	Case No.: 3:21-cv-0103-MMD-CLB
GREAT BASIN RESOURCE WATCH;)	
BASIN AND RANGE WATCH; and)	
WILDLANDS DEFENSE,)	DECLARATION OF TALASI
)	B. BROOKS IN SUPPORT
Plaintiffs,)	OF PLAINTIFFS' MOTION FOR
v.)	PRELIMINARY INJUNCTION
)	
UNITED STATES DEPARTMENT OF THE)	
INTERIOR; U.S. BUREAU OF LAND)	
LAND MANAGEMENT; and ESTER M.)	
McCULLOUGH, District Manager,)	
BLM's Winnemucca Office,)	
)	
Defendants,)	

1
2 and)
3)
4 LITHIUM NEVADA CORPORATION,)
5)
6 Intervenor-Defendant.)

7 I, Talasi Brooks, hereby declare as follows:

8 1. I am counsel for Plaintiff Western Watersheds Project in the above-captioned
9 matter. I assisted lead counsel Roger Flynn (counsel for the other three Plaintiff organizations) in
10 all aspects of this case, including preparing the Complaint and the Motion for Preliminary
11 Injunction at issue here. I am closely familiar with the facts and legal claims at issue in this
12 litigation and have personal knowledge of negotiations with opposing counsel surrounding the
13 Motion for Preliminary Injunction.

14 2. Plaintiffs filed their Complaint in this matter on February 26, 2021, alleging nine
15 claims for relief challenging Federal Defendants' Record of Decision approving Lithium Nevada
16 Company's two Plans of Operation related to the Thacker Pass Lithium Mine, and supporting
17 Final Environmental Impact Statement, for violations of the Federal Land Policy and
18 Management Act (FLPMA) and the National Environmental Policy Act (NEPA).

19 3. Beginning soon thereafter, Plaintiffs tried to avoid having to seek a preliminary
20 injunction to prevent mine-related operations while this litigation is pending by attempting to
21 reach a stipulation with counsel for Federal Defendants and Defendant-Intervenor Lithium
22 Nevada Corporation (LNC) under which Federal Defendants and LNC would refrain from
23 commencing activities associated with LNC's operations until Plaintiffs' case could be heard on
24 the merits.

25 4. As part of these negotiations, which spanned several months and included a video
26 conference call on March 25, 2021, Plaintiffs repeatedly stated that they would object to any
27 ground disturbing actions until the Court reached a decision on the merits, but would potentially
28

1 agree that LNC could undertake wildlife surveys or other non-surface-disturbing actions during
2 that time.

3 5. LNC stated during the March 25, 2021 call that it did not plan to begin operations
4 for six to seven months. LNC maintained that it wished to expedite the briefing schedule to
5 speed resolution of the case.

6 6. However, Federal Defendants were unable to provide a date for filing the
7 administrative record until May 10, 2021, when they stated they could serve the administrative
8 record by July 30, 2021. In the meantime, Federal Defendants refused to commit to refraining
9 from any surface-disturbing activities associated with the Thacker Pass Project.

10 7. In addition, LNC informed Plaintiffs on May 13, 2021 that LNC intends to begin
11 ground disturbance as soon as June 23, 2021, consisting of initial excavations and digging
12 associated with a newly approved “Historic Properties Treatment Plan” (HPTP) which has never
13 been submitted for public review. Plaintiffs have repeatedly requested a copy of the HPTP, but
14 LNC and Federal Defendants have refused to provide them with one to date. On May 26, 2021,
15 LNC provided a one-paragraph “description regarding treatment disturbance based on the
16 methods outlined [in the] approved HPTP.” This informed Plaintiffs for the first time that the
17 initial excavations would include mechanical trenching on seven undisclosed sites in the Project
18 area up to 40 meters long and as much as “a few meters” deep. LNC’s contractor also plans
19 surface artifact collection and hand excavations up to 150 centimeters (five feet) deep at an
20 additional 20 undisclosed sites.

21 8. Consequently, Plaintiffs are now forced to seek preliminary relief to protect their
22 interests in preserving the environment, including the fragile wildlife habitats and visual
23 resources Thacker Pass provides and which would be irreparably altered or permanently
24 destroyed by the BLM-approved operations, during the pendency of this case on the merits.
25 I swear under penalty of perjury that the foregoing is true and correct to the best of my
26
27
28

1 knowledge.

2 /s/ Talasi Brooks

3 Talasi B. Brooks

4 Attorney for Plaintiff WWP